

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ROBERT C. HUFFMAN,
Plaintiff

v.

DR. McCARTHY, et al.,
Defendants

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Civil Action No.: 7:17cv00032

FINAL ORDER

The plaintiff, Robert C. Huffman, (“Huffman”), an inmate formerly incarcerated at Pocahontas State Correctional Center, (“PSCC”), and proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that the defendants, all of whom are employees of the Virginia Department of Corrections, (“VDOC”), or are VDOC contracted medical service providers, have been deliberately indifferent to his serious medical needs, in violation of his Eighth Amendment rights. Huffman seeks monetary and injunctive relief. This case is before the court on Huffman’s motions for preliminary injunctive relief, (Docket Item Nos. 9, 31, 55), defendant Henry Ponton, Jr.’s, Motion To Dismiss, (Docket Item No. 13), and the defendants’ motions for summary judgment claiming Huffman’s claims should be dismissed for failure to exhaust his administrative remedies, (Docket Item Nos. 10, 25). An evidentiary hearing was held before the undersigned on June 26-27, 2017.

Based on the reasons stated in the Memorandum Opinion accompanying this Order, it is **ORDERED** as follows:

1. The defendants' motions for summary judgment claiming Huffman's claims should be dismissed for failure to exhaust his administrative remedies, (Docket Item Nos. 10, 25), are **GRANTED**;
2. Defendant Henry Ponton, Jr.'s, Motion To Dismiss, (Docket Item No. 13), which has been treated as a motion for summary judgment, is **GRANTED**;
3. The plaintiff's motions for preliminary injunctive relief, (Docket Item Nos. 9, 31, 55), are **DENIED**; and
4. Summary judgment will be entered in the defendants' favor on the plaintiff's claims.

The Clerk's Office shall provide a copy of this Order and the accompanying Memorandum Opinion to all counsel of record and unrepresented parties.

ENTERED: September 29, 2017.

/s/ *Pamela Meade Sargent*
UNITED STATES MAGISTRATE JUDGE